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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,937	07/25/2003	Bryan Dematteo	1/ 3	3697
7590	09/12/2005		EXAMINER	
Bryan N. DeMatteo Apt. 2W 68-12 Yellowstone Blvd. Forest Hills, NY 11375			SHIMIZU, MATSUICHIRO	
			ART UNIT	PAPER NUMBER
			2635	

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/627,937	DEMATTEO, BRYAN
	<b>Examiner</b>	<b>Art Unit</b>
	Matsuichiro Shimizu	2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 July 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4-24 is/are rejected.
- 7) Claim(s) 3 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/25/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

*Claim Rejections – 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 20 and 1–2, 4–5, 7–15, 18, 21 and 23–24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madau (6,748,536) in view of Lucy et al. (6,759,943) and Geber et al. (6,700,475).

Regarding claims 20 and 1, Madau teaches vehicle preferential arrangement in the sub-partition (col. 7, lines 58–67, 78) wherein each individual authorization code is linked to the sub-partition (col. 6, lines 7–11) and is received by the receiver arrangement (col. 5, lines 12–21, receiver arrangement associated with key switch 46 receives data via contact or electromagnetic coupling from key 40) from transponder associated with passive key (col. 5, lines 5–22, passive key is analogous to transponder whereby the passive key receives energy and responds by sending commands associated with setting-up customer configuration stored in the sub-partition in the vehicle) providing response to the interrogator via low power electromagnetic signal or wireless signal. Furthermore Madau teaches processor arrangement (Fig. 3, processor 70) to direct signals to automotive peripherals 22, like adjustment of seats, settings of an entertainment center associated with customizable vehicle component (Fig. 3, col. 4, lines 37–44, peripherals 22) and setting takes place automatically upon insertion of

the key into the key switch (col. 5, lines 17–22; col. 7, lines 64–67) by transmitting data via the electrical contacts or a low-powered electromagnetic signal. But Madau is silent on transponder position associated with user intending to enter the vehicle externally and receiving arrangement including a plurality of receiver circuits.

However, Lucy teaches, in the art of vehicle setting system, passive remote entry device or transponder position associated with user intending to enter the vehicle externally (Fig. 1, col. 2, lines 28–34 and col. 3, line 65 to col. 4, line 7, passive remote entry device 40 analogous to transponder at position within A zone outside vehicle) for the purpose of providing preference setting before vehicle entry. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include passive remote entry device position associated with user intending to enter the vehicle externally in the device of Madau because Madau suggests key in the key switch and Lucy teaches passive remote entry device position associated with user intending to enter the vehicle externally for the purpose of providing preference setting before vehicle entry.

However, Geber teaches, in the art of vehicle entry system, receiving arrangement including a plurality of receiver circuits (Fig. 1, col. 5, lines 2–8, plurality of receiver circuits associated with plurality of antenna units receiving proximity signal from proximity transponder) for the purpose of providing preference setting near vehicle entry. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include receiving arrangement including a plurality of receiver circuits in the device of Madau because Madau suggests key in the key switch and Geber teaches receiving arrangement including a plurality of receiver circuits for the purpose of providing preference setting near vehicle entry.

Regarding claim 2, Madau teaches key is inserted into a keyhole (col. 5, lines 5–9) and receiving individual authorization code (col. 6, lines 36–40) for accessing sub-partition containing individual preference setting (col. 7, lines 58–67).

Regarding claims 4–5 and 21, Madau teaches each individual authorization code is linked to the sub-partition (col. 6, lines 7–11) and is received from passive transponder key (col. 5, lines 5–22) via low power electromagnetic signal or wireless signal (col. 5, lines 17–2).

Regarding claims 7 and 23, Madau teaches the adjustment apparatus of claim 5, wherein the interrogation circuit is configured to interrogate the passive transponder when a key is inserted into a keyhole receptacle of the vehicle (col. 5, lines 5–9).

Regarding claims 8 and 24, Lucy teaches the passive transponder responds upon proximity to the receiver strength determined within zone A (Fig. 1).

Regarding claim 9–12, Madau is silent on the receiving arrangement includes a plurality of receiver circuits arranged in the vehicle as a function of which of the receiver circuits receives the identification signals wirelessly communicated by the transponder.

However, Geber teaches, in the art of vehicle entry system, the receiving arrangement includes a plurality of receiver circuits arranged in the vehicle as a function of which of the receiver circuits receives the identification signals wirelessly communicated by the transponder (col. 5, lines 46–60, the identification authorization unit within localized zone outside of respective vehicle door) for the purpose of providing local command proximity to respective door.

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include the receiving arrangement includes a plurality of receiver circuits arranged in the vehicle as a function of which of the receiver circuits receives the identification signals wirelessly communicated by the transponder in the device of Madau in view of Lucy

because Madau in view of Lucy suggests vehicle command associated with individual setting via single receiver and Geber teaches the receiving arrangement includes a plurality of receiver circuits arranged in the vehicle as a function of which of the receiver circuits receives the identification signals wirelessly communicated by the transponder for the purpose of providing local command proximity to respective door.

Regarding claim 13, Madau continues to teach the adjustment apparatus of claim 1. But Madau is silent on transponder position associated with user intending to enter the vehicle externally.

However, Lucy teaches, in the art of vehicle setting system, transponder position associated with user intending to enter the vehicle externally (Fig. 1, col. 3, line 65 to col. 4, line 7, transponder 40 within A zone outside vehicle) for the purpose of providing preference setting before vehicle entry. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include transponder position associated with user intending to enter the vehicle externally in the device of Madau because Madau suggests detector receiving the reflected component and Lucy teaches transponder position associated with user intending to enter the vehicle externally for the purpose of providing preference setting before vehicle entry.

Regarding claim 14, Madau continues to teach the adjustment apparatus of claim 13. But Madau is silent on transponder position associated with user intending to enter the vehicle externally.

However, Lucy teaches, in the art of vehicle setting system, transponder position associated with user intending to enter the vehicle externally (Fig. 1, col. 3, line 65 to col. 4, line 7, transponder 40 within A zone outside vehicle) for the purpose of providing preference setting before vehicle entry. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include

transponder position associated with user intending to enter the vehicle externally in the device of Madau because Madau suggests detector receiving the reflected component and Lucy teaches transponder position associated with user intending to enter the vehicle externally for the purpose of providing preference setting before vehicle entry.

Regarding claim 15, Madau continues to teach setting takes place automatically upon insertion the key into the key switch (col. 7, lines 64–67). Madau is not explicit on configuring the setting.

However, Madau teaches automobile as an information terminal having computing capabilities in the form of application program (col. 1, lines 63–67) suggests configuring the setting. Furthermore, configuring the setting and computing capabilities using application program provide same function of system control. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include configuring the setting in the device of Madau because Madau suggests setting the preferential function and one skilled in the art recognizes configuring the setting.

Regarding claims 18, Madau continues, as claimed to claim 13, to teach each individual authorization code is linked to the sub-partition (col. 6, lines 7–11) and is received from passive transponder key (col. 5, lines 5–22) via low power electromagnetic signal or wireless signal.

Claims 6, 19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madau in view of Lucy and Geber as applied to claims 5, 18 and 21 above, and further in view of Stobbe et al. (6,538,560).

Regarding claims 6, 19 and 22, Madau in view of Lucy is silent on the adjustment apparatus of claim 5, wherein the interrogation circuit is configured to interrogate the passive transponder when a proximity door opening device is activated.

However, Stobbe teaches, in the art of vehicle authorization system, door opening device associated with localized LF-transmitters 4,5,6 causes the transceiver to receive (col. 7, lines 33–39) authorization signal to activate localized door device (col. 5, lines 47–59 and col. 6, lines 30–39) with respect to localized transponder position proximity to localized door for the purpose of providing selective vehicle entry. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include door opening device associated with localized LF-transmitters 4,5,6 causes the transceiver to receive authorization signal to activate localized door device with respect to localized transponder position proximity to localized door in the device of Madau in view of Lucy and Geber because Madau in view of Lucy and Geber suggests vehicle access authorization and Stobbe teaches door opening device associated with localized LF-transmitters 4,5,6 causes the transceiver to receive authorization signal to activate localized door device with respect to localized transponder position proximity to localized door for the purpose of providing selective vehicle entry.

Claims 16–17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madau in view of Lucy and Geber as applied to claim 13 above, and further in view of Garnault et al. (5,844,470).

Regarding claims 16–17, Madau in view of Lucy and Geber is silent on activation detection circuit configured to detect a door handle device to open door upon identification matching.

However, Garnault teaches, in the art of vehicle authorization system, activation detection circuit configured to detect a door handle device to open door upon identification matching (col. 4, lines 26–37) for the purpose of providing selective vehicle entry. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include activation detection circuit configured to detect a door handle device to open door upon identification matching in the device of Madau in view of Lucy and Geber because Madau in view of Lucy and Geber suggests vehicle access authorization and Garnault teaches activation detection circuit configured to detect a door handle device to open door upon identification matching for the purpose of providing selective vehicle entry.

#### *Allowable Subject Matter*

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 3, the prior arts fail to teach or fairly suggest the vehicle includes a plurality of keyhole receptacles, the processing arrangement being configured to automatically set the user preference of the customizable vehicle component as a function of which of the keyhole receptacles the key is inserted into.

*Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matsuichiro Shimizu whose telephone number is 571-272-3066. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3068.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-8576).

Matsuichiro Shimizu  
September 3, 2005

MICHAEL HORABIK  
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